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Rebecca McDowell Cook
Secretary of State

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Register Filing Deadlines

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July 30, 2001

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule.

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 24, *Missouri Register*, page 27. The approved short form of citation is 24 MoReg 27.

The rules are cited in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than 180 calendar days or 30 legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 4—Licenses

EMERGENCY AMENDMENT

11 CSR 45-4.380 Occupational License Application and Annual Fees. The commission proposes to amend sections (5) and (6).

PURPOSE: *This amendment changes the expiration date of an occupational license from the licensee's date of birth to annually on the last day of the month of issue.*

EMERGENCY STATEMENT: *This amendment provides uniformity to the occupational licensing process. Currently licenses expire annually upon the date of birth of the licensee, which causes additional processing and record keeping demands both at the time of issuance as well as at renewal. These problems are exacerbated at this time by the fact that the Commission is implementing a new computer licensing system that does not allow for partial years. Currently, initial licenses are valid for a partial year, from the date of issue through the licensee's birth date. The new system does not provide for partial years and will require that the licenses be valid for one year from the date of issue. This emergency amendment is necessary to ensure that funds due the State are properly collected and accounted for. Together with the proposed amendments to 11*

*CSR 45-4.390 and 11 CSR 45-10.110, this amendment ensures the Commission's ability to conduct thorough investigations, including criminal background checks. Thorough investigations are critical to ensure public health, safety and welfare with regard to occupational licensees. If a thorough investigation is not conducted, there is a danger to the public that an unsuitable individual will be licensed. For example, if, during the preceding year, a licensee has been convicted of or plead guilty to a felony, and this fact goes undetected because of insufficient resources to complete a thorough investigation, the license could be renewed and the public welfare put at risk. Alternatively, if these investigations are delayed by the increasing administrative burdens described above, then upon expiration of their licenses individual license holders will be unable to work pending the completion of the investigation. This inability to earn a paycheck places a significant financial burden on individual workers and their families. Therefore, Commission finds that an immediate danger to the public health, safety and welfare exists. The scope of this amendment is limited to the circumstances creating the emergency and complies with the protections extended by the *Missouri* and *United States Constitutions*. Emergency amendment filed October 4, 2000, effective October 14, 2000, expires April 11, 2001.*

(5) The initial annual fee for occupational licenses shall be paid in [a prorated amount to cover the time from the due date of the initial fee until the date of birth of the applicant or licensee.] full to cover the first year of licensure. The license expires annually on the last day of the month of issue. [Thereafter, t]The annual fee shall be paid in full and shall be due upon application for renewal of the license.

(6) Each occupational license shall expire [upon the date of birth of the licensee] annually on the last day of the month of issue, but the licensing hearing shall be subject to being reopened at any time.

AUTHORITY: sections 313.004, 313.800[–313.850], 313.805 and 313.822, RSMo 1994 [and Supp. 1996]. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed June 2, 1995, effective Dec. 30, 1995. Amended: Filed March 18, 1996, effective Oct. 30, 1996. Amended: Filed Oct. 1, 1996, effective April 30, 1997. Amended: Filed Jan. 21, 1997, effective Aug. 30, 1997. Emergency amendment amendment filed Oct. 4, 2000, effective Oct. 14, 2000, expires April 11, 2001. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 4—Licenses

EMERGENCY AMENDMENT

11 CSR 45-4.390 Occupational License Renewal. The commission proposes to amend section (1).

PURPOSE: *This amendment changes the deadline for submission of renewal forms by occupational licensees.*

EMERGENCY STATEMENT: *This amendment changes the deadline for submission of renewal forms by occupational licensees. This amendment works in coordination with the proposed amendment to 11 CSR 45-10.110 and 11 CSR 45-4.380, which propose*

that occupational licenses expire annually on the last day of the month of issue. Currently, the Commission has only thirty days before the expiration to conduct its investigation and process the renewal application. This amendment will allow approximately fifteen additional days in which to conduct thorough investigations, including criminal background checks. Thorough investigations are critical to ensure public health, safety and welfare with regard to occupational licensees. If a thorough investigation is not conducted, there is a danger to the public that an unsuitable individual will be licensed. For example, if, during the preceding year, a licensee has been convicted of or plead guilty to a felony, and this fact goes undetected because of insufficient resources to complete a thorough investigation, the license could be renewed and the public welfare put at risk. Alternatively, if these investigations are delayed by the increasing administrative burdens described above, then upon expiration of their licenses individual license holders will be unable to work pending the completion of the investigation. This inability to earn a paycheck places a significant financial burden on individual workers and their families. All of the aforementioned factors are exacerbated at this time by the fact that the Commission is implementing a new computer licensing system that does not allow for partial years. Currently, initial licenses are valid for a partial year, from the date of issue through the licensee's birth date. The new system does not provide for partial years and will require that the licenses be valid for one year from the date of issue. This emergency amendment is necessary to ensure that funds due the State are properly collected and accounted for. Therefore, the Commission finds that an immediate danger to the public health, safety and welfare exists. The scope of this amendment is limited to the circumstances creating the emergency and complies with the protections extended by the *Missouri and United States Constitutions*. Emergency amendment filed October 4, 2000, effective October 14, 2000, expires April 11, 2001.

(1) On or prior to [thirty (30)] **fifteen (15)** days before the month of expiration, each occupational licensee shall file for renewal on forms provided by the commission (see 11 CSR 45-4.190, Appendix A) or authorize a Class A licensee to submit an application for renewal on his/her behalf in accordance with 11 CSR 45-10.110. Alternatively, each occupational licensee may file for renewal as provided in 11 CSR 45-10.110(2).

AUTHORITY: sections 313.004, 313.800[–313.850], 313.805 and 313.822, RSMo 1994 [and Supp. 1997]. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed June 25, 1996, effective Feb. 28, 1997. Amended: Filed July 2, 1997, effective Feb. 28, 1998. Amended: Filed Dec. 12, 1997, effective July 30, 1998. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Emergency amendment filed Oct. 4, 2000, effective Oct. 14, 2000, expires April 11, 2001. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 10—Licensee's Responsibilities**

EMERGENCY AMENDMENT

11 CSR 45-10.110 Licensee's Duty to Report Occupational Personnel. The commission proposes to amend section (1), (2), and (3), and insert a new section.

PURPOSE: This amendment changes the procedure for the commission to receive notice of an occupational license applicant or

licensee's intent to go forward with the licensing or renewal process.

EMERGENCY STATEMENT: This amendment changes the procedure for the Commission to receive notice of an occupational license applicant or licensee's intent to go forward with the licensing or renewal process. This amendment coordinates with 11 CSR 45-4.390 which changes the deadline for submission of renewal forms for occupational licensees. Currently, the Commission has only thirty days before the expiration to conduct its investigation and process the renewal application. This amendment will allow approximately fifteen additional days in which to conduct thorough investigations, including criminal background checks. Currently, there is no provision to ensure that occupational licensees are properly accounted for when they transfer from one Class A licensee to another Class A licensee near their license expiration dates. Such transfers have begun occurring with increasing frequency. These transfers are outside of the control of the Commission and place additional and unnecessary demands on staff to locate and properly account for these licensees. These additional demands limit the Commission's resources available and, consequently, restrict the Commission's ability to conduct thorough investigations, including criminal background checks. Thorough investigations are critical to ensure public health, safety and welfare with regard to occupational licensees. By clearly providing for proper accounting of occupational licensees who transfer from one Class A licensee to another Class A licensee near their license expiration dates, this amendment ensures the Commission's ability to conduct thorough investigations of occupational licensees. If a thorough investigation is not conducted, there is a danger to the public that an unsuitable individual will be licensed. For example, if, during the preceding year, a licensee has been convicted of or plead guilty to a felony, and this fact goes undetected because of insufficient resources to complete a thorough investigation, the license could be renewed and the public welfare put at risk. Alternatively, if these investigations are delayed by the increasing administrative burdens described above, then upon expiration of their licenses individual license holders will be unable to work pending the completion of the investigation. This inability to earn a paycheck places a significant financial burden on individual workers and their families. All of the aforementioned factors are exacerbated at this time by the fact that the Commission is implementing a new computer licensing system that does not allow for partial years. Currently, initial licenses are valid for a partial year, from the date of issue through the licensee's birth date. The new system does not provide for partial years and will require that the licenses be valid for one year from the date of issue. This emergency amendment is necessary to ensure that funds due the State are properly collected and accounted for. Therefore, the Commission finds that an immediate danger to the public health, safety and welfare exists. The scope of this amendment is limited to the circumstances creating the emergency and complies with the protections extended by the *Missouri and United States Constitutions*. Emergency amendment filed October 4, 2000, effective October 14, 2000, expires April 11, 2001.

(1) Each holder of a Class A license or supplier's license shall file a report with the commission on or prior to the fifteenth day of each calendar month identifying all of the personnel associated with that licensee who, as of the first day of the reporting month, hold positions requiring an occupational license or a temporary [identification badge] **occupational license** issued by the commission and whose expiration date(s) for such license [or badge] occurs within the following calendar month.

(A) The report must be submitted in written form and on diskette in a format prescribed by the commission supplying the following information for each individual:

1. Person's legal name;

2. License expiration month;

[2.] **3. Date of birth;**

[3.] **4. Social Security number; and**

[4.] **5. [Badge] License number.**

(B) Occupational licensees are required to obtain their renewed license by the tenth day of the renewal month.

(2) Occupational licensees who transfer from one Class A licensee to another Class A licensee between the fifteenth day of the month and the last day of the month prior to expiration, and those who transfer during the expiration month, whose occupational licenses have not been renewed, will be billed to the Class A licensee receiving the occupational licensee.

[(2)] **(3)** In accordance with 11 CSR 45-4.390, all occupational licensees and temporary [identification badge holders] **occupational licensees** must notify the commission within [thirty (30) fifteen (15) days prior to the expiration [date] month of their license [or badge] if they are applying for renewal of their license [or badge]. In the absence of specific notice to the commission from the occupational licensee or temporary [badge holder] **occupational licensee**, inclusion of the name of a licensee [or badge holder] on the report due under 11 CSR 45-10.110(1) shall be deemed notice that the licensee [or badge holder] is applying for renewal in the following month, and such notice shall be deemed sufficient.

[(3)] **(4)** The reporting duties in 11 CSR 45-10.110 shall be in addition to any other reporting requirements.

*AUTHORITY: sections 313.004, 313.800, 313.805 and 313.822, RSMo 1994. Emergency rule filed June 25, 1996, effective July 5, 1996, expired Dec. 31, 1996. Original rule filed June 25, 1996, effective Feb. 28, 1997. Amended: Filed July 2, 1997, effective Feb. 28, 1998. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Emergency amendment filed Oct. 4, 2000, effective Oct. 14, 2000, expires April 11, 2001. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.*